



219

UNITED STATES PATENT & TRADEMARK OFFICE  
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL  
PROPERTY AND DIRECTOR OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE  
Washington, D.C. 20231

PATENT & TRADEMARK OFFICE  
**MAILED**

JUL - 2 2002

**LICENSING & REVIEW**

Ginger R. Dreger  
Knobbe Martens Olson & Bear  
Suite 1150  
201 California Street  
San Francisco, CA 94111

In re Application of:  
Desnoyers et al :  
For Serial No. 10/036,160

DECISION ON  
REQUEST FOR  
RECONSIDERATION

Filed: December 26, 2001

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND  
NUCLEIC ACIDS ENCODING THE SAME**

This is a decision on the REQUEST FOR RECONSIDERATION filed June 19 and June 27, 2002, responding to the communication (FORM PTOL-456) mailed May 20, 2002.

The request has been **DENIED** to the extent indicated below.

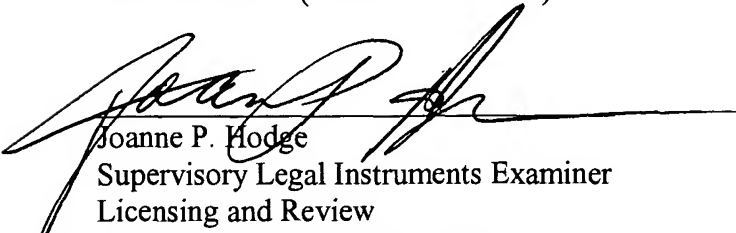
42 U.S.C. 2182 states in part "... useful in the production **or utilization of special nuclear material or atomic energy**". A review of the application file history reveals among other things the use of a radioactive isotope "<sup>35</sup>S" as disclosed in at least page 159 of the instant specification. Therefore under the directions from the Department of Energy (DOE) this application has been made available to them under 42 U.S.C. 2182 since the following subject matter relates to at least one of the following:

G. Materials, apparatus and methods concerning isotope and/or radioactive source technology including those utilizing (including responsive to) radioactive sources in:

- a. Life Sciences such as medicine (diagnostic and therapeutic), ecology, disease and pest control, animal husbandry, etc.
- b. Industrial processes such as food processing, sterilization, polymer production, etc.
- c. Investigations of the environment or the earth

H. Instruments employing a radioactive source and/or radioactivity detector in the operation thereof.

Applicant is reminded that a response is due within forty-five days of the mailing date of the communication (FORM PTOL-456). The communication having been mailed May 20, 2002.

  
Joanne P. Hodge  
Supervisory Legal Instruments Examiner  
Licensing and Review  
Patent Technology Center 3600